**HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.13291 of 2007**

**Date: 09.07.2007**

Between:

Shaik Khader Vali

....Petitioner

and

The A.P. State Wakf Board, represented by its
Chief Executive Officer and others

....Respondents

**HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.13291 of 2007**

**O R D E R:**

The petitioner challenges the proceedings dated 25.5.2007 issued by the 1st respondent through which the Board of Trustees was appointed for the 'Sarai' Mosque, Imdadghar, Vijayawada (hereinafter referred to as 'Wakf').

In relation to the administration of Wakf, a scheme was framed through a judgment dated 20.11.1963 in O.S.No.49 of 1957, on the file of the court of the Subordinate Judge, Vijayawada., directing certain arrangement. The 1st respondent filed I.A.No. 632 of 1988 with a prayer to modify the scheme in the light of changed circumstances. The I.A. was dismissed holding that the 1st respondent has no role to play in the matter. In CMA No.537 of 1986, this court, while remanding the matter to the trial court, observed that the 1st respondent has ***locus standi*** to seek modification of the Scheme. The trial court accordingly ordered for modification of the existing scheme through an order dated

31.12.1991.

The modified scheme provided for constitution of the Board with 11 members, out of which 7 shall be persons belonging to 'Sunni' Community and the remaining 4 to be Ex.Officio members namely; (1). Deputy Secretary, Wakf, Government of India (Ministry of Law); (2). District Collector, Krishna District (3) Sub-Collector, Vijayawada and (4) Member of Parliament, representing the Vijayawada Parliamentary Constituency.

Through the impugned proceedings, the 1st respondent replaced the Deputy Secretary, Wakfs, Govt. of India (Ministry of Law) with the Chief Executive Officer, A.P. State Wakf Board. The petitioner contends that such a course is contrary to the scheme framed by the trial court.

On behalf of the 1st respondent, a counter affidavit is filed. It is stated that the non-inclusion of the Deputy Secretary, Wakfs, Govt. of India (Ministry of Law, is a ***bona fide*** mistake and steps would be taken to rectify the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the 1st respondent.

The modified scheme framed for administration of the Wakf provides for a Board consisting of 11 members. To the extent the 1st respondent had nominated 7 members belonging to Sunni community, there is no dispute. So is the case with the inclusion of the District

Collector, Krishna, Sub-Collector, Vijayawada and sitting Member of Parliament of Vijayawada Parliamentary Constituency. The only controversy is about the non-inclusion of the Deputy Secretary, Wakfs, Government of India (Ministry of Law. When the scheme specifically provided for inclusion of the said official, there is absolutely no basis for the 1st respondent in appointing another individual in that place.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside, only to the limited extent of inclusion of the Chief Executive Officer of the A.P. State Wakf Board in the place of the Deputy Secretary, Wakfs, Government of India (Ministry of Law). In case the writ petitioner or any individual had any grievance on the eligibility or otherwise of the 7 members belonging to the Sunni Community included in the Board, it shall be open to them to agitate the matter before the concerned court by filing appropriate application. There shall be no order as to costs.

**L.NARASIMHA REDDY, J**

9th July, 2007.
cvm